REMARKS

The above amendments and following remarks are submitted in response to the First Official Action of the Examiner mailed January 28, 2002. Having addressed all objections and grounds of rejection, claims 1-20, being all the pending claims, are now deemed in condition for allowance. Reconsideration to that end is respectfully requested.

The Examiner has made a number of objections to the specification. The above amendments as supported by Appendix A are deemed to fully address these objections.

Enclosed herewith are new formal drawings modified in accordance with the objections of the Chief Draftsperson. These new formal drawings have been modified only to remedy the alleged informalities. No new matter has been added.

The Examiner has rejected claims 1-4, 6-8, 11-14, and 16-18 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,266,673, issued to Hong et al (hereinafter referred to as "Hong"). This ground of rejection is respectfully traversed for the reasons provided below.

"It is axiomatic that for prior art to anticipate under §102 it has to meet every element of the claimed invention, and that such a determination is one of fact." *Hybritech Inc. v. Monoclon-*

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al Antibodies, Inc., 802 F.2d 1367, 231 USPQ 81, 90 (Fed. Cir. 1986). Hong does not contain "every element of the claimed invention".

Specifically, each of the rejected claims requires that the "user terminal" is coupled to the "data base management system" "via a publically accessible digital data communication network", as is limiting of claim 1, for example. Surprisingly, the Examiner cites Hong, column 6, lines 10-21, to show this feature. As can be readily understood from the citation and Fig. 1 to which it refers, the DBMS and the requesting client are both resident within computer system 100. Thus, the coupling is Bus 102 which can hardly be termed "a publically accessible digital data communication network". Internet 128, shown in Fig. 1 clearly does not provide the coupling of the claimed invention.

Furthermore, the Examiner has not shown that Hong contains "a service request generated by said user terminal which creates an empty data set within the data base management system". However, to more clearly distinguish the claimed "service request" from Hong.

Applicants have herein modified the claims to more clearly indicate that the service request is non-SQL and the data set created is non-relational. Support for these amendments may readily be found within Applicants' disclosure (see page 11, lines 7-8, for example).
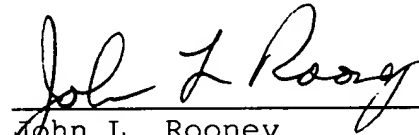
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Hong, on the other hand, requires an SQL statement (see column 7, line 4) to create a relational table (see column 7, line 6). Thus, claims 1-20, as amended, now clearly distinguish over Hong.

Having thus responded to each objection and ground of rejection, Applicants respectfully request entry of this amendment and allowance of claims 1-20, being the only pending claims.

Respectfully submitted,

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By their attorney,

Date April 25, 2002

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APPENDIX A (Support for Specification Amendments)

Please amendment the specification as follows:

1. At page 1, line 6, replace "_____, filed _____" with -09/164,759, filed October 1, 1998-;

2. At page 1, line 8, replace "_____, filed _____" with -09/164,932, filed October 1, 1998-;

3. At page 1, line 10, replace "_____, filed _____" with -09/164,908, filed October 1, 1998-;

4. At page 1, line 12, replace "_____, filed _____" with -09/164,933, filed October 1, 1998-;

5. At page 1, line 14, replace "_____, filed _____" with -09/164,862, filed October 1, 1998-;

6. At page 1, line 16, replace "_____, filed _____" with -09/164,623, filed October 1, 1998-;

7. At page 1, line 17, replace "_____, filed _____" with -09/164,756, filed October 1, 1998-;

8. At page 1, line 20, replace "_____, filed _____" with -09/189,053, filed November 9, 1998-;

9. At page 1, line 21, replace "_____, filed _____" with -09/189,381, filed November 9, 1998-;

10. At page 1, line 22, replace "_____, filed _____" with -09/188,628, filed November 9, 1998-;

11. At page 2, line 1, replace "_____, filed _____" with -09/188,840, filed November 9, 1998-;

12. At page 2, lines 1-2, delete "U.S. Patent Application No. ___ ____, filed _____, and entitled, "Cool ICE Repository";

13. At page 2, line 3, replace "_____, filed _____" with -09/188,738, filed November 9, 1998-;

14. At page 2, line 4, replace "_____, filed _____" with -09/189,383, filed November 9, 1998-;

15. At page 2, line 5, replace "_____, filed _____" with -09/189,615, filed November 9, 1998-;

16. At page 2, line 6, replace "_____, filed _____" with -09/189,612, filed November 9, 1998-;

17. At page 2, line 7, replace "_____, filed _____" with -09/188,807, filed November 9, 1998-;

18. At page 2, line 8, replace "_____, filed _____" with -09/189,611, filed November 9, 1998-;

19. At page 2, line 9, replace "_____, filed _____" with -09/188,629, filed November 9, 1998-;

20. At page 2, line 10, replace "_____, filed _____" with -09/189,365, filed November 9, 1998-;

21. At page 2, line 11, replace "_____, filed _____" with -09/189,160, filed November 9, 1998-;

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22. At page 2, line 12, replace "_____, filed _____" with
-09/188,649, filed November 9, 1998-;

23. At page 2, line 13, replace "_____, filed _____" with
-09/449,213, filed November 24, 1999-;

24. At page 2, line 15, replace "_____, filed _____" with
-09/448,164, filed November 24, 1999-;

25. At page 2, line 17, replace "_____, filed _____" with
-09/448,154, filed November 24, 1999-;

26. At page 2, line 20, replace "_____, filed _____" with
-09/188,725, filed November 9, 1998-;

27. At page 11, line 7, replace " ADO" with -Active Data Object
(ADO)-;

28. At page 21, line 5, replace "54" with -64-;

29. At page 21, line 6, replace "54" with -64-;

30. At page 21, line 13, replace "54" with -64-;

31. At page 22, line 2, replace "the above referenced, commonly-
assigned, co-pending U.S. Patent Application" with --U.S. Patent
Application Serial No. 09/448,165, filed November 24, 1999-;

32. At page 22, line 13, replace "54" with -64-;

33. At page 22, line 22, replace "54" with -64-;

34. At page 24, line 5, replace "54" with -64-;

35. At page 25, line 1, replace "Cool ICEA" with -Cool ICE-;

36. At page 26, line 3, replace "Fig,. 4" with -Fig. 4-;

37. At page 26, line 14, replace "the above identified, commonly assigned, co-pending U.S. Patent application" with --U.S. Patent Application Serial No. 09/448,169, filed November 24,1999-;

38. At page 35, lines 9-10 replace "the above referenced commonly assigned, co-pending U.S. Patent Applications" with -- U.S. Patent Application Serial No. 09/449,213, filed November 24, 1999-; and

39. At page 36, lines 1-2, replace "the above referenced, commonly assigned, co-pending U.S. patent Application" with --U.S. Patent Application Serial No. 09/188,549, filed November 9, 1998-.

Appendix B (Support for Claim Amendment)

1. (First Amended) In a data processing environment having a user
terminal responsively coupled via a publically accessible digital
data communication network to a data base management system

5   having at least one data base, the improvement comprising:

a non-SQL service request generated by said user terminal
which creates [an] a non-relational empty data set within the
data base management system.

2.   (First Amended)   The improvement according to claim 1 wherein

10   said data base management system further comprises a repository
in which said non-relational empty data set is created.

3.   (First Amended)   The improvement according to claim 2 further
comprising a parameter set associated with said non-SQL service
request whereby said non-relational empty data set is created in

15   accordance with said parameter set.

4.   (Unchanged)   The improvement according to claim 3 wherein
said publically accessible digital data communication network
further comprises the internet.

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5.   (Unchanged)   The improvement according to claim 4 wherein said data base management system is MAPPER.

6.   (First Amended)   An apparatus comprising:

   a.   a user terminal;

   b.   a data base management system having access to a data base responsively coupled to said user terminal via a publically accessible digital data communication network; and

   c.   a service request generated by said user terminal which causes said data base management system to create [an] a non-relational empty data set.

7.   (First Amended)   The apparatus of claim 6 wherein said data base management system further comprises a repository in which said non-relational empty data set is created.

8.   (First Amended)   The apparatus of claim 7 wherein said service request further comprises a non-SQL service request having a parameter set which defines said non-relational empty data set.

9.   (Unchanged)   The apparatus of claim 8 wherein said data base management system further comprises MAPPER.

10. (Unchanged) The apparatus of claim 9 wherein said publically accessible digital data communication network further comprises the world wide web.

11. (First Amended) A method of utilizing a user terminal to access a remote data base management system having a data base via a publically accessible digital data communication network comprising:

    a. transmitting a service request from said user terminal;

    b. receiving said service request by said remote data base management system; and

    c. creating [an] a non-relational empty data set by said data base management system in response to receipt of said service request.

12. (First Amended) A method according to claim 11 wherein said creating step further comprises defining said non-relational empty data set in response to parameters associated with said service request.

13. (First Amended) A method according to claim 12 wherein said creating step further comprises creating said non-relational empty data set within a repository of said data base management system.

14.   (Unchanged)   A method according to claim 13 wherein said publically accessible digital data communication network further comprises the internet.

15.   (Unchanged)   A method according to claim 14 wherein said remote data base management system further comprises the MAPPER data base management system.

16.   (First Amended)   An apparatus comprising:

`a.   means for permitting a user to interact <u>using a non-SQL service request</u> with a data base responsively coupled via a publically accessible digital data communication network;

b.   means responsively coupled to said permitting means via said publically accessible digital data communication network for offering data processing services involving access to said data base in response to said <u>non-SQL</u> service request; and

c.   means for creating an empty data set within said data base management system.

17.   (Unchanged)   An apparatus according to claim 16 wherein said publically accessible digital data communication network further comprises the internet.

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18. (First Amended) An apparatus according to claim 17 wherein said permitting means further comprises means for generating and transmitting [a server] said non-SQL service request requesting said data base management system to execute said creating step.

19. (Unchanged) An apparatus according to claim 18 wherein said offering means further comprises MAPPER data base management system.

20. (Unchanged) An apparatus according to claim 19 wherein said permitting means further comprises an industry standard personal computer.